



Paper No. 3

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COPY MAILED**DEC 16 2002****OFFICE OF PETITIONS**

In re Application of :
Yves St-Pierre :
Application No. 10/042,748 : DECISION GRANTING PETITION
Application Filed: January 22, 2002 :
Attorney Docket No. 04104-017-US-02 :

This is a decision on the petition filed September 27, 2002, requesting that an application of Yves St-Pierre entitled "Track with clips in a non-sequential arrangement" (attorney docket No. 04104-017-US-02) be accorded a filing date of January 22, 2002.

Petitioner alleges that the original application papers were hand carried to the U.S. Patent and Trademark Office (Office) on January 22, 2002 and that the application is entitled to a filing date of January 22, 2002. In support, the petition is accompanied by, inter alia, an affidavit of Sylvie Bergeron and a copy of applicant's postcard receipt bearing attorney docket no. 04104-017-US-02 and acknowledging receipt in the Office on January 22, 2002, of, inter alia, specification (including claims) pages 1 to 9, an abstract page, and drawing figures 1 and 2. Petitioner has also supplied a copy of the original application papers purportedly filed on January 22, 2002.

The original application papers cannot be located in the Office. However, in view of the evidence presented, it is concluded that the application was filed in the Office on January 22, 2002, and later misplaced.

The petition to accord the application a filing date of January 22, 2002, is granted. No petition fee is required and none has been paid.

Since the original application papers cannot be located in the Office, the duplicate papers received September 27, 2002, will be used to process the application. The application has been assigned application No. 10/042,748.

Applicant should notify this office if the original papers are subsequently discovered in the Office so that the present duplicate file can be merged with the original papers and any duplicate filing fee refunded.

After mailing of this decision, the \$740.00 filing fee will be charged to counsel's deposit account No. 02-3980 as authorized in the transmittal letter.

Thereafter, the application will be forwarded to Initial Patent Examination Division for further processing with a filing date of January 22, 2002, using the copy of the application papers supplied on September 27, 2002. Initial Patent Examination Division will mail a Notice to File Missing Parts requiring an oath or declaration under 37 CFR 1.63 and the surcharge (37 CFR 1.16(e)) for the late filing of the oath or declaration.

Telephone inquiries specific to this matter should be directed to the undersigned at (703) 306-5586.

A handwritten signature in cursive script, reading "Eugenia A. Jones".

Eugenia A. Jones
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy